

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. **8:22-cv-01267-RGK(MAR)**

Date: September 14, 2022

Title ***Roberto Leveron v. City of Santa Ana et al***

Present: The Honorable: **MARGO A. ROCCONI, UNITED STATES MAGISTRATE JUDGE**

ERICA BUSTOS

N/A

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiffs:

N/A

Attorneys Present for Defendants:

N/A

**Proceedings: (In Chambers) ORDER TO SHOW CAUSE RE: DISMISSAL FOR LACK
OF PROSECUTION**

On June 29, 2022, Roberto Leveron (“Plaintiff”) proceeding pro se, constructively filed a Complaint (“Complaint”) under 42 U.S.C. § 1983. ECF Docket No. (“Dkt.”) 1. With his Complaint, Plaintiff also filed a motion seeking injunctive relief. Dkt. 6. On July 12, 2022, the Court denied Plaintiff’s request for injunctive relief. Dkt. 6.

On July 22, 2022, the Court dismissed the Complaint with leave to amend (“ODLA”), granting Plaintiff until August 22, 2022, to either: (1) file a First Amended Complaint; (2) file a notice that he intends to stand on the allegations in the Complaint; or (3) voluntarily dismiss the action without prejudice. Dkt. 13 at 24–25. The ODLA cautioned Plaintiff that failure to timely file a response to the ODLA “will result” in the dismissal of the Complaint for failure to prosecute. Id. at 25.

On August 5, 2022, Plaintiff filed a second motion for injunctive relief, which was identical to his first. Dkt. 15. On August 10, 2022, the Court denied Plaintiff’s motion. Dkt. 18.

To date, Petitioner has not filed a First Amended Complaint or responded to the ODLA. Accordingly, Plaintiff is ordered to show cause in writing **within twenty-one (21) days** of this Order, by **October 4, 2022**, why this action should not be dismissed under Rule 41(b) for failure to prosecute. See Fed. R. Civ. P. 41(b).

The Court will consider any of the following three (3) options to be an appropriate response to this OSC:

1. Plaintiff shall file a First Amended Complaint that addresses the deficiencies identified in the Court’s July 22, 2022 ODLA;
2. Plaintiff shall provide the Court with an explanation as to why he has failed to file a First Amended Complaint; or

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3. Plaintiff may voluntarily dismiss the action pursuant to Federal Rule of Civil Procedure 41(a). The Clerk is directed to attach a Notice of Dismissal form for Plaintiff's convenience.

Failure to respond to the Court's Order will result in the dismissal of the action.

IT IS SO ORDERED.

Initials of Preparer :
 eb

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

Plaintiff(s), v. Defendant(s).	CASE NUMBER NOTICE OF DISMISSAL PURSUANT TO FEDERAL RULES OF CIVIL PROCEDURE 41(a) or (c)
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PLEASE TAKE NOTICE: (*Check one*)

- This action is dismissed by the Plaintiff(s) in its entirety.
- The Counterclaim brought by Claimant(s) _____ is dismissed by Claimant(s) in its entirety.
- The Cross-Claim brought by Claimants(s) _____ is dismissed by the Claimant(s) in its entirety.
- The Third-party Claim brought by Claimant(s) _____ is dismissed by the Claimant(s) in its entirety.
- ONLY** Defendant(s) _____

is/are dismissed from (*check one*) Complaint, Counterclaim, Cross-claim, Third-Party Claim brought by _____.

The dismissal is made pursuant to F.R.Civ.P. 41(a) or (c).

Date

Signature of Attorney/Party

NOTE: *F.R.Civ.P. 41(a): This notice may be filed at any time before service by the adverse party of an answer or of a motion for summary judgment, whichever first occurs.*

F.R.Civ.P. 41(c): Counterclaims, cross-claims & third-party claims may be dismissed before service of a responsive pleading or prior to the beginning of trial.